

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

MONICA ABBOUD, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

HEALTH INSURANCE INNOVATIONS,
INC., a Florida corporation,

Defendant.

Case No. 4:19-cv-01035

PLEASE TAKE NOTICE that Plaintiff Monica Abboud (“Plaintiff” or “Abboud”) dismisses this lawsuit against Defendant Health Insurance Innovations, Inc. (“Defendant” or “HII”) without prejudice.

Federal Rule of Civil Procedure 41(a)(1) provides, in relevant part:

(a) Voluntary Dismissal.

(1) By the Plaintiff.

(A) *Without a Court Order.* Subject to Rules 23(e), 23.1(c), 23.2 and 66 and any applicable federal statute, the plaintiff may dismiss an action without a court order by filing:

(i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or

(ii) a stipulation of dismissal signed by all parties who have appeared.

(B) *Effect.* Unless the notice or stipulation states otherwise, the dismissal is without prejudice. But if the plaintiff previously dismissed any federal- or state-

court action based on or including the same claim, a notice of dismissal operates as an adjudication on the merits.

In this case, Defendant has neither answered Plaintiff's Complaint nor served a motion for summary judgment. In addition, no class has been certified in this matter so Rule 23's exceptions do not apply. Likewise, this case does not involve any Receiver so as to implicate Rule 66.

Accordingly, Plaintiff hereby dismisses these proceedings in accordance with Rule 41(a)(1)(i) without prejudice.

Dated: May 17, 2019

By: /s/ Patrick H. Peluso
One of Plaintiff's Attorneys

W. Craft Hughes
Hughes Ellzey, LLP
1105 Milford Street
Houston, TX 77006
713-322-6387
craft@hughesellzey.com

Steven L. Woodrow*
swoodrow@woodrowpeluso.com
Patrick H. Peluso*
ppeluso@woodrowpeluso.com
Taylor T. Smith*
tsmith@woodrowpeluso.com
Woodrow & Peluso, LLC
3900 East Mexico Ave., Suite 300
Denver, Colorado 80210
Telephone: (720) 213-0675
Facsimile: (303) 927-0809

Attorneys for Plaintiff and the Class

* *Pro Hac Vice*

CERTIFICATE OF SERVICE

I hereby certify that the above papers were filed, on May 17, 2019, through the Court's

ECF system, which will serve the papers electronically to all counsel of record.

/s/ Patrick H. Peluso